



State of Arizona Acupuncture Board of Examiners

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REGULAR MEETING

January 23, 2013

OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, January 23, 2013, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

Board Members Present:

Ross Adelman, Consumer Member, Chairman

Toni Bernalley, L.AC., Professional Member, Secretary

Maureen Bronson, Consumer Member

Woohyung Cho, L.AC., Professional Member

Christopher M. Clair, Consumer Member (via telephone)

Robert L. Gear, NMD, DC, Professional Member

Patricia E. Martin, L.AC., Professional Member

Board Members Absent:

Vacancy, Professional Member

Vacancy, L.AC., Professional Member

Administrative Staff:

Pete Gonzalez, Executive Director

Attorney General Representative:

Montgomery Lee, Assistant Attorney General

Call to Order

Chairman Adelman called the meeting to order at 1:09 p.m.

The following order of business was then considered:

Declaration of Conflicts of Interest

Board Member Bernalley declared a conflict of interest on Agenda Item 5 (D) License Application for Suzanne L. Grantham and Agenda Item 5 (E) License Application for Maria A. Restivo.

Discussion and Approval of Minutes

Board Member Bronson moved the adoption of the amendment to the December 3, 2012 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bernalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	Aye
							Nay
							Recused
							Abstained
							Absent

Complaints/Investigations

Complaint #2013-01 (Unprofessional Conduct) re: Guoliang Cao, L.AC.

The Board attempted to review and discuss this complaint, but without the person who filed the complaint not in attendance it was difficult to proceed at this time.

Board Member Adelman moved for the complaint to be scheduled for a future board meeting to gain more information with Board Member Bronson providing a second. The motion carried by the vote: 6-1.

Adelman	Bernalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X		Aye
						X	Nay
							Recused
							Abstained
							Absent

Review of Arizona State Board of Nursing complaint re: Pamela Rae Davis, L.AC.

The State Board of Nursing forwarded a complaint to the Board regarding Pamela Rae Davis, L.AC. using the title of Medical Doctor which is not allowed per state law.

The acupuncture license of Ms. Davis has expired and the Board does not have any jurisdiction on this matter unless the Board is aware that Ms. Davis is still practicing acupuncture without an active license.

Assistant Attorney General Monty Lee informed the Board is not able to pursue this matter as the licensee’s acupuncture license has expired.

Board Member Gear moved for the complaint to be forwarded to the Arizona Medical Board and a copy of this complaint be placed in Ms. Davis’s file with Board Member Bernalley providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bernalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	Aye
							Nay
							Recused
							Abstained
							Absent

Applications for Licensure (without self-disclosures)

The Board reviewed the license applicant chart and Board Member Martin moved for the approval of the applicants for licensure listed below with Board Member Bernalley providing a second. The motion carried by unanimous vote: 7-0.

- Drucilla S. Whelan
- Cliff R. Thompson
- Julie M. Sandschafer
- Bailey R. Warstler
- Karen R. Sobin

Adelman	Bernalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	Aye
							Nay
							Recused
							Abstained
							Absent

The Board reviewed the license applicant chart and Board Member Adelman moved for the approval of the applicants for licensure listed below with Board Member Martin providing a second. The motion carried by unanimous vote: 6-0.

Suzanne L. Grantham
 Maria A. Restivo

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
X		X	X	X	X	X	Aye
							Nay
	X						Recused
							Abstained
							Absent

Applications for Licensure (with self-disclosures)

The Board reviewed the license applicant chart and Board Member Bennalley moved for the approval of the applicant for licensure listed below with Board Member Martin providing a second. The motion carried by unanimous vote: 7-0.

Jerome T. Roberge, Jr.

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	Aye
							Nay
							Recused
							Abstained
							Absent

Other Applications/Requests – Continuing Education

The Board reviewed the following continuing education applications and determined a number of questions are still outstanding.

“Medicinal Mushrooms: Recent Research & Clinical Practice” provided by Christopher Hobbs with the Sylvan Institute of Botanical Medicine for 2 hours via active webinar.

“Integrating Western Herbs into Chinese Medicine: Materia Medica I” provided by Thomas Garran with the Sylvan Institute of Botanical Medicine for 2 hours via active webinar.

“Herbal Constituents: An 8 Class Course” provided by Lisa Ganora with the Sylvan Institute of Botanical Medicine for 16 hours via active webinar.

“Urology Series” provided by Dr. Eric Yarnell, ND, with the Sylvan Institute of Botanical Medicine for 20 hours via active webinar.

Board Member Bronson moved to table the applications for three months with Board Member Gear providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	Aye
							Nay
							Recused
							Abstained
							Absent

Professional Business

Discussion of Procedures for Election of Board Officers
No action was taken on this agenda item.

Election of Board Chairperson pursuant to A.R.S. §32-3902(D)

Board Member Bronson nominated Board Member Martin for Chairman.
Board Member Adelman nominated Board Member Cho for Chairman.

Board Members Martin and Cho provided the Board with their thoughts on why they are interested in serving as Chairman of the Board.

The Board discussed the role of the chairman and secretary to continue and advance the work of the Board.

The Board Members voting for Board Member Martin to serve as Board Chairman.

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
		X				X	Aye
							Nay
							Recused
							Abstained
							Absent

Board Member Adelman moved for Board Member Cho to serve as Board Chairman.

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X		X	X	X		Aye
							Nay
							Recused
							Abstained
							Absent

The Board elected Board Member Cho to serve as Chairman for 2013 with five votes and two votes for Board Member Martin.

Election of Board Secretary pursuant to A.R.S. §32-3902(D)

Board Member Bronson nominated Board Member Martin to serve as Board Secretary.

Board Member Adelman nominated Board Member Clair to serve as Board Secretary.

Each board member presented their personal qualifications for the position of Secretary. Board Member Clair was asked to address his board meeting absences in the past year and whether he could effectively serve as Board Secretary.

The Board Members voting for Board Member Martin are as follows:

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
		X			X	X	Aye
							Nay
							Recused
							Abstained
							Absent

The Board Members voting for Board Member Clair are as follows:

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X		X	X			Aye
							Nay
							Recused
							Abstained
							Absent

By a vote of four votes for Board Member Clair and three votes for Board Member Martin, Board Member Clair was elected Board Secretary for 2013.

Review and Adoption of 2013 Fees pursuant to A.R.S. §32-3927

Board Member Martin moved for the adoption of the 2013 Fees with Board Member Gear providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	Aye
							Nay
							Recused
							Abstained
							Absent

Strategic Plan—2013

The Board will possibly address a number of issues in the coming year such as the dry needling issue as it pertains to physical therapists.

Other items for consideration are the following:

- herbs
- on-line renewals
- legislation
- rulemaking
- 2nd board meeting out of town

Assistant Attorney General Report

Assistant Attorney General Monty Lee updated the Board on prior complaints brought before the Board.

Executive Director Report

License and Certificate Status Report:

Active Licensed Acupuncturists: 529
Expired Licenses: 9
Active Certified Auricular Acupuncturists: 39

Board Office Information/Activities:

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for March 2013 licensees were prepared and sent. In addition, expired license and certificate letters for the month of December 2012 were sent.
- Completed and submitted the lobbyist quarterly and annual report to the Office of the Secretary of State.

- Met with House and Senate members and their respective staff in preparation of the 2013 Legislative Session.

Budget Information

- The Governor's budget will be presented on Friday, January 18, 2013. A review of the Governor's budget recommendations will be presented at the board meeting on January 23.
- The Board submitted the Fiscal Year 2014 budget request to the Governor's office with three funding requests that total \$19,600. The requests include new appropriations to hire a contract rule writer, to contract with a temporary work agency, and to provide payment to all nine board members during the conduct of board business.

Legislation

Senate Bill 1037, introduced by Senator Nancy Barto, includes the Board's legislative recommendations as developed by the continuing education advisory and legislative advisory committees.

A status report of the bill and committee assignments will be provided at the Board meeting.

Sunrise Application: Increase in Scope of Practice of the Profession Acupuncture and Oriental

On December 19, 2012, the Joint Legislative Audit Committee (JLAC) held a meeting to assign sunrise application to their respective committees for review and action. The Arizona Society of Oriental Medicine and Acupuncture (AZSOMA) ad submitted an application to create an Herbal Certificate Proposal.

At the JLAC meeting, AZSOMA officially withdrew the application for the 2013 legislative session. A copy of the AZSOMA website section on legislative issues is provided at this time.

Future Meeting Dates

February 27, 2013

March 27, 2013

Call to the Public

Elyse Tera, President of Arizona Society of Oriental Medicine and Acupuncture, reported on activities that AZSOMA is working on such as insurance fraud by physical therapists that are performing dry needling. In addition, the Board was

invited to the annual Chinese New Year’s celebration to be held on February 17, 2013.

Jonathan Lindsey, representing the Arizona Society of Oriental Medicine and Acupuncture, shared information regarding on-going changes in healthcare that may have some impact on the profession. Mr. Lindsey referenced the need to continue the work already begun on the herb proposal.

Discussion of Items to be place on a future meeting agenda

- Strategic Plan
- Dry Needling

Board Member Bernalley moved to enter executive session to receive legal advice at 3:05 p.m. with Board Member Adelman providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bernalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	Aye
							Nay
							Recused
							Abstained
							Absent

The Board returned to regular session at 3:15 p.m.

Board Member Gear moved the Executive Director work with the Assistant Attorney General Montgomery Lee to bring Complaint #2012-07 back to the Board to find further information with Board Member Bernalley providing a second. The motion carried by unanimous vote: 7-0.

Adelman	Bernalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	Aye
							Nay
							Recused
							Abstained
							Absent

Adjournment

Board Member Gear moved for adjournment and Board Member Bronson provided a second. The motion carried by unanimous vote: 7-0. The Board adjourned at 3:17 p.m.

Adelman	Bennalley	Bronson	Cho	Clair	Gear	Martin	Vote
X	X	X	X	X	X	X	
							Nay
							Recused
							Abstained
							Absent

Respectfully Submitted,



Pete Gonzalez
Executive Director

Approved by the Board: March 27, 2013